

MENOMINEE TRIBAL LEGISLATURE – REGULAR
DECEMBER 16, 2010
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
5:00 P.M.

MEMBERS PRESENT:

Randal Chevalier, Acting Chairman
Lynnette A. Miller
Myrna R. Warrington
Lisa S. Waukau
Bruce J. Pecore
Kenneth A. Fish
David A. Miller
Rebecca D. Alegria

MEMBERS ABSENT:

Laurie Boivin – (*Excused Absence*)

1. Call to Order – Roll Call

Acting Chairman Chevalier called the meeting to order at 5:00 P.M. Roll Call was taken with a quorum present.

2. Menominee Prayer.

Legislator D. Miller said the Menominee Prayer in the Menominee and English Language.

3. Public Comment Period.

Tribal Member Freida Bergeon – Referendum: *“Tribal members don't know which of our Tribal Legislators signed for the referendum. There was no information submitted by the Conservation Commission to the Community. No data offered by Conservation Commission, what is the deer tail count? How many licenses/permits will be issued per year? How many new hunters are in the woods? How many descendants/spouses are in the woods? Do you people know the answer to my questions? She believes the Commission should have been allowed to talk to the people before the Legislature acted on this issue to make the tribal membership more comfortable with this. Also, I'm not in favor of this, and there are a good number of tribal members that are not in favor of this. When we put a referendum out there we are continuing to tweak at our sovereignty. Every time we come up with a new Ordinance we are tweaking sovereignty. She believes the Legislature is violating their own Constitution and ByLaws according to page 21, Article XIV. She also believes that the membership would be more comfortable knowing where this referendum was coming from.”*

MOTION BY KENNETH FISH TO GRANT FRIEDA BERGEON ANOTHER FIVE (5) MINUTES FOR PUBLIC COMMENT.

PLEASE NOTE: There was no second to the motion; therefore, the motion died.

Acting Chairman Chevalier thanked Frieda Bergeon for her comments.

Tribal Member John Tucker Sr. – On Behalf of the Elders: *“He is speaking on behalf of the elders that are having trouble getting plowed out. There is an elder that he had to help that was snowed in for two (2) days, and he had to go and check on him to make sure he was okay. He doesn't get paid to check on the elderly and make sure they are okay, and wanted to know if there is any program that assists the elderly that are in need with snow plowing. With the spraying of chemicals the Forester is sick now because something went wrong. In addition, Mr. John Reiter has been without running water and stated that no one is caring for him, and he's the eldest living male Menominee. What is the Tribe going to do to help Mr. Reiter get running water into his home?”*

Acting Chairman Chevalier informed Mr. Tucker that Menominee County and the Aging Division has a program for snow plowing, you just need to call them and get on the snow plowing list.

Aging Division Director, Denise Pommer was present and informed Mr. Tucker and the Legislature that she has directed her staff to take applications to the homes of the elderly because there is no sense in inconveniencing the elder anymore than they already are.

Legislator Alegria stated that when the Secretary of Interior visited she referenced John Reiter to him that he is the oldest Menominee Veteran, and asked if there isn't some type of collaboration that can be done for him?

Administrative Manager, Jeremy Weso stated yes it can be done; nevertheless, his well water is bad. It's been shocked two (2) times now, and the home is too old for any Indian Health Service assistance.

Sergeant Warren Warrington was present and informed MTL that Tribal Police has a plow truck and they service over 150 senior citizens and do other elders that are not on Aging Division's list also.

Tribal Member Karen Bowman Dillenberg – Commissioner Behavior: *"She requested a copy of the email that was circulated amongst the Tribe by a Conservation Commissioner, and wanted to know what the Legislature plans on doing about that."*

Acting Chairman Chevalier informed her that they will be taking that issue up under "Other Business" for Executive Session.

4. 10-Day Waiver Request(s).

There were no 10-day waiver request(s) made at this time.

5. Bid Recommendation for Housing Mold & Asbestos Remediation of 34 Homes Project.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE PROPERTY MANAGEMENT AND ACQUISITION DIRECTOR (BRETT HOFFMAN) TO AUTHORIZE THE HOUSING DEPARTMENT TO NEGOTIATE THE AWARDED CONDITIONS OF THE HOUSING MOLD & ASBESTOS REMEDIATION OF 34 HOMES PROJECT WITH MAVO SYSTEMS OF WISCONSIN, LLC NOT TO EXCEED \$116,198 IN ACCORDANCE WITH THE ACCOUNTING PROCEDURES MANUAL, AS MAVO SYSTEMS WAS THE ONLY PROPOSED RECEIVED FOR THIS PROJECT AFTER THE ESTABLISHED DEADLINE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

6. Bid Recommendation for Housing Roofing & Mold Remediation of 17 Homes Project.

MOTION BY LYNNETTE MILLER TO APPROVE THE RECOMMENDATION OF THE BID EVALUATION TEAM TO AWARD THE HOUSING ROOFING & MOLD REMEDIATION OF 17 HOMES PROJECT TO DECKER LUMBER AND SUPPLY FOR \$267,072 INCLUDING THE ATTACHED WORK PLAN UNDER THE MENOMINEE PREFERENCE IN CONTRACTING ORDINANCE. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

7. Shawano County Chamber of Commerce Membership Dues.

MOTION BY REBECCA ALEGRIA TO APPROVE THE 2011 CONTRIBUTION FOR THE SHAWANO COUNTRY CHAMBER OF COMMERCE MEMBERSHIP DUES TO COME FROM THE CHAIRMAN'S BUDGET. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

8. Lobbying Fees Dues.

MOTION BY BRUCE PECORE TO APPROVE THE STATE OF WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD (GAB) FEES IN THE AMOUNT OF \$500.00 TO COME FROM THE CHAIRMAN'S BUDGET, AND AUTHORIZE THE CHAIR TO GET IT SENT OUT. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

The Legislature requested that the Tribe's State Lobbyist Joseph A. Strohl submit monthly reports to them as to what his services were for the Tribe.

9. Membership Dues to National Indian Gaming Association.

MOTION BY REBECCA ALEGRIA TO APPROVE THE MEMBERSHIP RENEWAL FOR THE NATIONAL INDIAN GAMING ASSOCIATION IN THE AMOUNT OF \$7,500.00 TO COME FROM THE CHAIRPERSON'S BUDGET. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

10. Re-Affirmation of December 9, 2010 Poll Vote.

An emergency poll vote was taken on December 9, 2010 by the Executive Secretary, Debra Bowman for the Legislature to assist an elderly lady who cares for her young grandchildren and great-grandchildren to take \$500 from the Casino Found Monies for Elders to repair her furnace because she was without heating fuel. The vote was 9 for, 0 opposed, and 0 abstentions.

MOTION BY MYRNA WARRINGTON TO REAFFIRM THE POLL VOTE TAKEN ON THURSDAY, DECEMBER 9, 2010. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

11. Resolution No. 10-___ Resolution for Provision of Services to Non-Beneficiary Individuals.

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE TRIBAL LEGISLATURE RESOLUTION FOR PROVISION OF SERVICES TO NON-BENEFICIARY INDIVIDUALS RESOLUTION NO. 10-76 WAIVE THE READING, AND AUTHORIZE CHAIRWOMAN LAURIE BOIVIN AND SECRETARY LYNNETTE MILLER TO SIGN. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

12. Resolution No. 10-___ Legislation to Legalize Internet Gaming.

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 10-77 ON LEGISLATION TO LEGALIZE INTERNET GAMING, WAIVE THE READING, AND AUTHORIZE SIGNATURES WITH CORRECTIONS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

13. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY BRUCE PECORE TO ENTERTAIN "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" – 1) ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE OF DECEMBER 15, 2010 IN REGARDS TO WORKER'S COMPENSATION AND OVERTIME ISSUES IN EXECUTIVE SESSION; 2) ISSUES WITH CONSERVATION COMMISSION PERTAINING TO (ORDINANCE) 99-01 REFERENDUM/EDUCATION ISSUE IN OPEN SESSION; & 3) THE CONDUCT BY THE CONSERVATION COMMISSION BE BROUGHT UP IN EXECUTIVE SESSION. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 5 FOR, 2 OPPOSED (L. MILLER & WARRINGTON), 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

PLEASE NOTE: Legislator Warrington qualified her opposition as follows: "I don't think the conservation commission is emergent right now."

Legislator L. Miller qualified her opposition as follows: "Same thing I don't think this is an emergent nature at this time."

1) Enforcement and Resource Protection Committee of December 15, 2010 in Regards to Worker's Compensation and Overtime Issues in Executive Session;

MOTION BY BRUCE PECORE TO HAVE A COMMUNITY MEETING EDUCATING THE PUBLIC ON THE UPCOMING REFERENDUM, AND HAVE THIS MEETING ON DECEMBER 27TH AT 5:30 P.M. IN A PLACE THAT IS IN A SUITABLE LOCATION THAT CAN HOLD MANY PEOPLE. SECOND WAS MADE BY DAVID

MILLER. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (WAUKAU), 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

PLEASE NOTE: Legislator Waukau did not qualify her opposition.

**2) Issues with Conservation Commission Pertaining to (Ordinance) 99-01
Referendum/Education Issue in Open Session; &**

Legislator's requested that Chairwoman Boivin and Tribal Attorney William Kussel work on notices to Tribal members regarding Ordinance No. 10-29 (*Non-Member, Hunting, Fishing, Trapping and Gathering Privileges*), because of the miscommunication that is out in the Community and to educate our Tribal members pertaining to this Ordinance. Legislator Fish stated he would support a public hearing for a question and answer session regarding Ordinance No. 10-29 for a special Community meeting.

MOTION BY DAVID MILLER THAT WE AUTHORIZE THE CHAIRWOMAN AND THE VICE CHAIR ALONG WITH LEGAL TO SUBMIT AN INFORMATION TO THE COMMUNITY COVERING SOME OF THE CONCEIVED MISCONCEPTIONS ABOUT THE PROPOSED REFERENDUM AND THAT WE MAKE THEM AVAILABLE TO THE COMMUNITY VIA EMAIL OR WEBSITE, AND TRIBAL NEWS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 4 FOR, 2 OPPOSED (WARRINGTON & L. MILLER), 1 ABSTENTION (WAUKAU), AND 1 ABSENT (BOIVIN).

PLEASE NOTE: Legislator L. Miller qualified her opposition as follows: *"I'm opposed because of the cost & our budget situation now."*

Legislator Warrington qualified her opposition as follows: *"I'm opposed because of the cost, and also because it's not fair that you're not giving notice to all tribal members and it's not fair."*

Legislator Waukau did not qualify her abstention.

3) The Conduct by the Conservation Commission be Brought up in Executive Session.

This issue will be discussed during Executive Session.

14. Legislative Time on Task Reports.

MOTION BY KENNETH FISH TO SEND ITEM 55 & 56 TO THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

15. Travel Authorization Requests.

MOTION BY LISA WAUKAU TO AUTHORIZE THE FOLLOWING TRAVEL REQUESTS: 1) MEETING WITH GOVERNOR ELECT WALKER ON DECEMBER 17, 2010 FOR LEGISLATOR RANDAL CHEVALIER IN MADISON, WI; 2) SEND THREE OTHER INTERESTED LEGISLATOR'S WITH THE CHAIRMAN TO THE 2011 INAUGURAL BALL FOR GOVERNOR ELECT SCOTT WALKER ON JANUARY 3, 2011 IN MADISON, WI; 3) TO SEND LEGISLATOR REBECCA D. ALEGRIA AND LEGISLATOR MYRNA WARRINGTON TO THE M.A.S.T. PRE-MEETING ON JANUARY 5, 2011 IN GREEN BAY, WI; & 4) SEND LEGISLATOR REBECCA D. ALEGRIA AND LEGISLATOR MYRNA WARRINGTON TO THE HHS – M.A.S.T. REGION V 2011 CONSULTATION SESSION ON JANUARY 6, 2011 IN GREEN BAY, WI. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

16. Management Team Reports.

MOTION BY BRUCE PECORE TO SEND THE ACTION ISSUE IN REGARDS TO THE \$106,635.68 FROM PROJECT EAGLE TO BE SENT TO BUDGET AND FINANCE COMMITTEE AT THEIR NEXT SCHEDULED

MEETING. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

Finance Director, Kathy Kaquatosh was requested to submit a report on the next level of cost containment at the next meeting.

Casino General Manager, James Reiter was present to explain to the Legislature that the Casino is down to 512 employees compared to 540-550, and they are still in cost containment.

Legislature Pecore requested Mr. Reiter to submit a breakdown on their budget pertaining to the Hotel, Casino, and Convention Center in regards to current staffing and a separate breakdown on the marketing. He also requested a report on why the Casino can and cannot utilize certain slot gaming machines.

Mr. Reiter stated they have lost their head Accountant (Troy Sadler), and the CFO Robert Goslin and Jean Corn are currently performing his duties.

MOTION BY REBECCA ALEGRIA TO APPROVE THE MANAGEMENT TEAM REPORTS FOR THE PERIOD BEGINNING NOVEMBER 10, 2010 AND ENDING DECEMBER 8, 2010. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

17. Committee Reports and Recommendations:

a. Tribal Forestry Committee of November 29, 2010.

i. Request Approval of Prescription #208-10-19-01;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF NOVEMBER 29, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO APPROVE THE TIMELINE AND THE WAIVER FOR HICKORY SALVAGE PRESCRIPTION #208-10-19-01. NO SECOND NECESSARY. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & BOIVIN).

ii. Request Approval of Prescription #999092001;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF NOVEMBER 29, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO APPROVE THE REQUEST FROM MTE FOR A TIMELINE WAIVER FOR OAK WILT SALVAGE PRESCRIPTION #999092001. NO SECOND NECESSARY. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & BOIVIN).

iii. Request Approval for Gypsy Moth Spraying; &

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF NOVEMBER 29, 2010 TO APPROVE THE AREAL APPLICATION SPRAYING FOR GYPSY MOTH FOR THE 2011 SEASON FOR NON-SUSTAINED YIELD LAND AND RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE. NO SECOND NECESSARY. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & BOIVIN).

iv. Request Approval to Send Letter to MTE.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF NOVEMBER 29, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO SEND THE LETTER TO MTE. NO SECOND NECESSARY. THE MOTION CARRIED: 5 FOR, 1 OPPOSED (L. MILLER), 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & BOIVIN).

PLEASE NOTE: Legislator L. Miller qualified her opposition as follows: *“because our documents speak of excess profits only.”*

Legislator Fish requested to comment for the record that he has been watching the Forestry Committee meeting minutes for some time now, and there is no discussion on the ITC Symposium that is scheduled to be held here in 2012. In discussions with MTE, there is no planning with them either and requested what the status is.

Acting Chairman Chevalier informed Legislature Fish that subject could be brought up on the next agenda, because that discussion has no relation to the motions on the floor now.

18. 2010 Legislative Goals Progress Reports.

The Legislature updated each other on the progress they have reached thus far. There was no action requested at this time.

19. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal; (B) Personnel; & (C) Gaming – 1) Kenosha Project Update; & 2) MIGA Board Update.

MOTION BY DAVID MILLER TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 3 ABSENT (ALEGRIA, BOIVIN, & PECORE).

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY REBECCA ALEGRIA TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

(A) Legal;

MOTION BY KENNETH FISH THAT THE MENOMINEE TRIBAL POLICE OFFICER JOSH LAWE TO RECEIVE FROM THE MENOMINEE TRIBAL LEGISLATURE OF THE MENOMINEE NATION FOR THE MENOMINEE “NAENAWEHTAW” BRAVERY ACCOMMODATION PROCLAMATION, AND TO BE GIVEN TO HIM AT THE NEXT MENOMINEE TRIBAL LEGISLATURE MEETING ON JANUARY 6, 2011. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

MOTION BY REBECCA ALEGRIA TO (A) AUTHORIZE THE TRIBE’S THIRD-PARTY ADMINISTRATOR TO WAIVE ALL COPAYMENTS AND DEDUCTIBLE ASSOCIATED WITH EMPLOYEE #907 RELATED TO ANY HEALTHCARE CLAIMS ASSOCIATED WITH THE LAW ENFORCEMENT INCIDENT OCCURRING ON SATURDAY, DECEMBER 11, 2010, FOR A PERIOD NOT TO EXCEED TWO MONTHS; (B) AUTHORIZE THE TRIBE’S THIRD-PARTY ADMINISTRATOR TO WAIVE THE SHORT-TERM DISABILITY WAITING PERIOD FOR EMPLOYEE #907 DUE TO THE LAW ENFORCEMENT INCIDENT OCCURRING ON SATURDAY, DECEMBER 11, 2010; AND (C) AUTHORIZE THE WORKER’S COMPENSATION FUND TO REIMBURSE THE HEALTHCARE FUND IF EMPLOYEE #907’S WORKER’S COMPENSATION CLAIM IS ACCEPTED. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

MOTION BY LISA WAUKAU TO REFER THE FORECLOSURE ISSUE TO THE HOUSING DEPARTMENT. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

MOTION BY LISA WAUKAU TO SCHEDULE A SPECIAL MEETING OF THE MENOMINEE TRIBAL LEGISLATURE ON DECEMBER 28, 2010 AT 5:30 P.M. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

MOTION BY DAVID MILLER THAT WE CHARGE THE CONSERVATION COMMISSION CHAIRMAN TO DISCUSS COMMISSIONER'S DECORUM. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

(B) Personnel; &

There was no motion made after coming out of Executive Session.

(C) Gaming

1) Kenosha Project Update; &

There was no motion made after coming out of Executive Session.

2) MIGA Board Update.

There was no motion made after coming out of Executive Session.

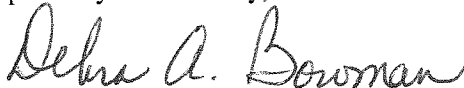
MOTION BY LYNNETTE MILLER TO GO PAST THE 10:00 P.M. RULE. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

20. Adjournment.

MOTION BY LYNNETTE MILLER/ LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (BOIVIN).

Meeting Adjourned at 11:00 P.M.

Respectively submitted by,



Debra A. Bowman, Recorder/Transcriber

EXECUTIVE SECRETARY/CHAIRMAN'S OFFICE